

REMARKS

In response to the Non-Compliance Notice sent December 23, 2003 (the Applicant was given one month to submit this corrected amendment) for the Office Action dated August 21, 2003, claims 1-6 are canceled, claim 11 has been amended and new claims 13-18 have been added. Claims 7-18 are now in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action rejected claims 7-10 under 35 U.S.C. 102(e) as allegedly being anticipated by Kubby (U.S. Patent No. 5,851,412).

The Applicants respectfully traverse this rejection based on the amendments to the claims and the arguments below.

Claims 7 recites in part "...forming a thin film structure over the first surface of the substrate, the thin film structure including a heating element and an orifice layer that defines a firing chamber disposed over the heating element..." In contrast, clearly, Kubby does not disclose all of the Applicants' recited feature in the claims.

Specifically, Kubby discloses "a "suspended" portion, shown as 18, co-planar with the main surface of the chip 10; it is evident that suspended portion 18 represents a portion of functional layer 14. Suspended portion 18 may be supported over cavity 16 by any number of "legs" 19 formed in functional layer 14." (Col. 4, ll. 5-9). This disclosure is exactly the opposite of the recitation of claim 7, i.e. the firing chamber [is] disposed over the heating element. Therefore, claim 7 is allowable for at least this reason.

Claim 9 recites in part "...forming an aperture through the first surface to define a fill channel that is filled with a filler material and forming a first fluid channel...filling a feed channel with the filler material...and...removing the filler material and fluidically coupling the first fluid channel with the fluid reservoir and the firing chamber via the second fluid channel and fluidically coupling the fill channel with the feed channel..."

Kubby does not disclose the Applicants' claimed forming an aperture through the first surface to define a fill channel that is filled with a filler material and then removing the filler material to allow fluidic coupling of the fluid channel with the reservoir and the firing chamber via the second fluid channel of claims 1 and 11 or filling a feed channel with the filler material...and...fluidically coupling the fill channel with the feed channel of claim 9. Accordingly, since Kubby is missing at least one element of the Applicants' claimed invention, Kubby cannot anticipate the claims. Hence, the Applicants submit that the

rejection is overcome.

The Office Action rejected claims 11-12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kubby in view of Wong et al. (U.S. Patent No. 5,211,806).

The Applicant respectfully traverses this rejection based on the amendments to the claim and the arguments above and below.

Claim 11 recites in part "...forming a thin film structure over a first outer surface of a substrate, wherein the substrate has an interface between a fluid reservoir of the print cartridge and the substrate, wherein the thin film structure has a heating element and an orifice layer that defines a firing chamber disposed over the heating element..." As discussed with respect to claim 7, Kubby discloses that active portion is formed above the firing chamber, which exactly the opposite of the recitation of claim 11. Therefore, claim 11 is allowable for at least this reason.

With regard to the dependent claims 8, 10, and 12, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

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Respectfully submitted,
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